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Department of Health

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Commissioner

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Acting Executive Deputy Commissioner

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DHDTTC DAL 23-10 Sexual Offense Evidence Storage and Transfers

Dear Chief Executive Officer:

This guidance supersedes guidance issued on May 7, 2021 (DAL 21-03) to update and inform hospitals about a statutory revision regarding sexual offense evidence collected by hospitals. This guidance document pertains to all previously collected sexual offense evidence with the hospital's possession or stored by a contracted entity.

Pursuant to Public Health Law Section 2805-i, sexual offense evidence collected by hospitals must be kept in a locked, separate, and secure area for twenty years from the date of collection until the patient directs the hospital to surrender it to the police, the patient directs the hospital to dispose of the evidence, or for certain kinds of evidence, if the police request its surrender. Hospitals are responsible for ensuring proper storage and transfer of the evidence.

In January 2023, the Office of Victims Services (OVS) officially opened a statewide storage facility and initiated the Kit Inventory and Tracking System (KITS) for patients to track their sexual offense evidence which has not been released to law enforcement. KITS tracks items that are transferred from hospitals to the OVS Storage Facility and any subsequent transfer initiated by the patients. The OVS Storage Facility has begun to onboard hospitals and accept stored evidence in a four-part, regional phase-in plan. Between thirty and ten days prior to the transfer of evidence to the new storage location, hospitals must make diligent efforts to notify the patient of the transfer of custody for the remainder of the 20-year storage period. Following completion of the regional phase-in plan, every hospital in New York State is required to transfer custody of unreported evidence to the OVS facility within 10 days of collection.

Hospitals will be contacted by OVS and provided with information and training to ensure successful transfer of sexual offense evidence to the storage facility. For more detailed information, including a regional facility phase-in plan or information on KITS training and access, please visit OVS at: <https://ovs.ny.gov/Sexual-Offense-Kits>.

Please note:

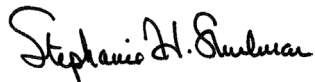
- Preapproval by OVS is required before sexual offense evidence (kits and related materials) can be transferred to the storage facility from a specific medical facility.
- Medical facilities must demonstrate that they have completed all required trainings on how to use KITS prior to receiving this approval.

- Labels with QR codes must be applied to existing stored sexual offense evidence and information must be entered into KITS by the medical facility.

As a reminder, every hospital in New York State is required to provide care to all sexual assault victims and must provide sexual assault victims a copy of the '[New York State Sexual Assault Victim's Bill of Rights](#)'. Hospitals do not need to be designated by the Department as a Sexual Assault Forensic Examiner (SAFE) Designated Hospital to provide care, collect forensic evidence, and properly store evidence. Therefore, all hospitals must be equipped with medically trained staff and sexual offense evidence collection kits (SOECKs), except for specialty hospitals without an emergency department (hospice, orthopedic, chemical dependency centers, etc.).

Thank you for your attention. If you have any questions for the New York State Department of Health on hospital requirements, please email either rcprpt@health.ny.gov or hospinfo@health.ny.gov. If you have any questions for OVS on evidence storage, transfers, or tracking, please email soeck@ovs.ny.gov.

Sincerely,



Stephanie Shulman, DrPH, MS
Director, Division of Hospitals
and Diagnostic & Treatment Centers



Kirsten Siegenthaler, PhD
Director, Division of Family Health
Center for Community Health

Links:

OVS: <https://ovs.ny.gov/Sexual-Offense-Kits>.

New York State Department of Health Sexual Assault Forensic Examiner Program:
www.health.ny.gov/professionals/safe/

New York State Sexual Assault Victim's Bill of Rights: www.health.ny.gov/publications/1934.pdf

*Available in 12 other languages on the SAFE Program website above.

TeleSAFE: <https://telesafe.ucmdigitalhealth.com/>